

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

RICHARD TROXLER,	:	No. 4:16-CV-02554
	:	
Plaintiff,	:	(Judge Brann)
	:	
v.	:	
	:	
CAPITAL ONE BANK (USA), N.A.,	:	
	:	
Defendant.	:	

**ORDER**

**AND NOW**, this 21<sup>st</sup> day of September 2017, **IT IS HEREBY ORDERED**  
that:

1. Defendant Capital One Bank (USA), N.A.'s Motion to Dismiss (ECF No. 9)  
is **GRANTED** in its Entirety;
2. Plaintiff Richard Troxler is granted leave to amend his breach of contract  
claim **within twenty one (21) days** of this Memorandum Opinion in  
accordance with the outlined deficiencies. If no amended complaint is filed  
by that date, the action will be summarily dismissed pursuant to Fed. R. Civ.  
P. 41(b).

BY THE COURT:

*s/ Matthew W. Brann*  
Matthew W. Brann  
United States District Judge